

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

**FRANK L. McCALL, JR.  
DOC # 130746**

**CIVIL ACTION NO. 06-0761  
SECTION P**

**VS.**

**JUDGE JAMES**

**RICHARD STALDER, ET AL.**

**MAGISTRATE JUDGE HAYES**

**MEMORANDUM ORDER**

Before the court is a *pro se* civil rights complaint filed by plaintiff Frank L. McCall, Louisiana Prisoner Number 130746. Plaintiff is an inmate in the custody of Louisiana's Department of Public Safety and Corrections; he is incarcerated at the Winn Correctional Center, Winnfield, Louisiana.

Plaintiff has asked to be allowed to proceed *in forma pauperis* pursuant to the provisions of 28 U.S.C. §1915. [docs. 2, 8] On June 15, 2006 his motion was granted. [doc. 9] Further review of the court records reveals that since his incarceration, McCall has filed numerous civil rights lawsuits in this court and that at least three of those complaints were dismissed as frivolous.<sup>1</sup>

28 U.S.C. §1915(g) provides:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Plaintiff is well aware of this provision. It has been invoked to deny him *in forma*

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<sup>1</sup> See cases cited in *Frank L. McCall v. State of Louisiana, et al.*, No. 5:00-cv-1295.

*pauperis status* in several lawsuits filed in this district. See *McCall v. Louisiana, et al.* 5:00-cv-0518; *McCall v. Louisiana, et al.*, 5:00-cv-1295; *McCall v. South*, 5:00-cv-1525; *McCall v. Caddo I.D.B.*, 5:00-cv-1627.

Plaintiff's present claims are difficult to decipher. He seems to allege that various defendants – LDOC Secretary Richard Stalder, Caldwell Parish Correctional Facility Warden Curtis Powell, Caldwell Parish Clerk of Court Eugene Dunn and his Deputy Katie Gregory – knew or should have known that plaintiff could not be legally incarcerated because of some irregularity in sentencing. [doc. 1-1, p. 3] He prays for declaratory relief and compensatory and punitive damages. He also prays for a temporary restraining order and an injunction prohibiting the defendants "...from making phone calls against the plaintiff..." [doc. 1-1; doc. 4] He also claims that he is "...in imminent danger of serious injury..." but nothing in his pleadings supports this conclusory allegation.

In short, plaintiff is not eligible to proceed *in forma pauperis* in this matter. Therefore

**IT IS ORDERED** that plaintiff's *in forma pauperis* status [doc. 9] is hereby **REVOKED** and **RESCINDED**;

**IT IS FURTHER ORDERED** that in order for this complaint to remain viable, plaintiff must pay the full filing fee of \$350.00 within twenty (20) days from the date of this order.

**FAILURE TO PAY THE FULL FILING FEE WILL RESULT IN THE PLEADINGS BEING STRICKEN FROM THE RECORD.**

**THUS DONE AND SIGNED** in Chambers, in Monroe, Louisiana, this 23<sup>rd</sup> day of June, 2006.

  
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KAREN L. HAYES  
U. S. MAGISTRATE JUDGE